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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/440,529
		Filing Date	November 15, 1999
		First Named Inventor	Pitroda, et al.
		Group Art Unit	2165
		Examiner Name	M. Tremblay
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## ENCLOSURES (check all that apply)

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Remarks		TITLE OF INVENTION:  POINT OF SALE ADAPTER FOR ELECTRONIC TRANSACTION DEVICE

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Walter J. Kawula, Jr., Esq. WELSH & KATZ, LTD.		
Signature			
Date	10/17/2001		

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope Addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

October 17, 2001

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Claims 25-39 stand provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of copending Application No. 09/587,998. Corresponding claim 25 of copending Application No. 09/587,998 was previously amended to recite two additional steps not recited in claim 25 of the present application. Accordingly, it is respectfully submitted that claim 25 of copending Application No. 09/587,998, and its depending claims are no longer co-extensive in scope. Regarding the provisional non statutory double patenting rejections, a terminal disclaimer will be given consideration on the event that the rejections become non-provisional.

Claims 1-3, 7, and 18-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,955,961 to Wallerstein. As presently recited, the receive circuit of claim 1 is adapted to receive information from an electronic transaction device, and the point of sale interface is adapted to transmit information received from the electronic transaction device. In contrast, Wallerstein appears to describe a self-contained card that communicates directly with a point of sale terminal, and does not describe an adapter which facilitates communications between an electronic transaction device and a conventional point of sale terminal. In this regard, ordinary ISO 7816 smart card contacts to communicate with as standardized smart card reader are not the same as the claimed receive circuit. Rather, smart card contacts comprise an example of a point of sale interface. See Application, p. 4, ll. 21-27, p. 11, ll. 12-15.

In contrast, the claimed receive circuit is adapted to receive information from an electronic transaction device. Unlike a point of sale terminal, an electronic transaction device is generally configured to allow a user to electronically emulate some or all of the various aspects of a traditional wallet containing an assortment of plastic cards, cash, and cash equivalents. See Application, p. 3, ll. 16-20. See also, p. 2, ln. 21 - p.3, ln. 15. Because Wallerstein does not

disclose the receive circuit configured to receive information from an electronic transaction device as disclosed in the application, but in contrast appears to store certain information in ROM itself, col. 7, ll. 7-14, Wallerstein does not anticipate claim 1 or any of the claims which depend from claim 1, including claims 2, 3, and 7.

Regarding claim 18, the adapter is recited as having a transceiver which is adapted to receive information from an electronic transaction device. Wallerstein fails to disclose a transceiver adapted to receive information from an electronic transaction device for the same reason set forth above with respect to the receive circuit. Accordingly, claim 18 is not anticipated by Wallerstein. Additionally, claims 19 and 20, which depend from claim 18, are not anticipated for the same reasons.

Claims 1-3, 7-8, 11, and 18-20 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 4,701,601 to Francini, et al. Francini et al. identifies the interface (22) as being an electrical interface for connections with electronic transaction terminals, i.e., point of sale terminals. Francini et al. col. 4, ll. 32-37. Thus, like Wallerstein, Francini et al. does not disclose the receive circuit adapted to receive information from an electronic transaction device. Accordingly, Francini et al. does not anticipate claim 1 or any of the claims which depend from claim 1, including claims 4-5, 7-8, and 11.

Regarding claim 18, the adapter is recited as having a transceiver which is adapted to receive information from an electronic transaction device. Accordingly, claim 18 is not anticipated by Francini et al. Additionally, claims 19 and 20, which depend from claim 18, are also not anticipated for the same reasons. Francini et al. fails to disclose a transceiver adapted to receive information from an electronic device for the same reason as set forth above with respect to the receive circuit.

Claims 1 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated, or alternatively under 35 U.S.C. §103 as being unpatentable over, U.S. Patent No. 5,590,038. The '038 patent discloses various forms of a communications interface unit adapted to receive information from a universal electronic transaction card. Claim 1 is believed to define over the communications interface unit of the '038 patent. Claim 1 recites that the housing of the adapter includes at least a reader-insertable portion capable of being inserted in a card reader of a point of sale terminal, and that a point of sale interface be in the reader insertable portion of the housing. The term "card reader" is used in the application to refer to the portion of a point of sale terminal that actually reads a conventional card. Examples of card readers include magnetic stripe readers and smart card readers. See, e.g., Application, p. 4, ln. 1 - p.5, ln. 6. The expansion of "card reader" to include an RJ-11 jack or RS-232 part is unwarranted, absent some showing that conventional plastic cards use such interfaces with point of sale terminals. Furthermore, a retro-fitting point of sale terminal with a new communications patent teaches away from the present invention, rather than rendering it obvious. See Application, p.6, ll. 19-29 (citing disadvantages of retrofitting point of sale terminals overcome by the present invention). Because the communications interface unit of the '038 patent is not the same as the adapter as recited in claim 1, claim 1 is not anticipated by the '038 patent. Claim 9, which depends from claim 1, is also not anticipated by the '038 patent for the same reason.

Claim 2 also stands rejected under 35 U.S.C. §103 as unpatentable over the '038 patent. The reasons for the rejection appear to be omitted from the action. See Paper 5, p. 7, ll. 10-12. However, the '038 patent does not disclose a CIU that has a housing which is completely insertable in the card reader, and claim 2 is believed patentable for this additional reason.

Claims 6, 9-17, 21-37 and 39 stand rejected under 35 U.S.C. §103 as being unpatentable over Wallerstein. Obviousness cannot be shown without some part of the prior art as a whole teaching each of the claim limitations. The rejected claims are believed patentable over Wallerstein for the same remarks set forth above, which are incorporated herein by reference. Because Wallerstein does not disclose all of the features in independent claims 1 and 18, claims which depend from those claims cannot be rendered obvious. With regard to claims 9-11 and 21-22, as set forth above, Wallerstein is not an adapter for a separate electronic transaction device and therefore does not disclose the receive circuit or the transceiver as claimed. Accordingly, Wallerstein cannot teach or suggest the specific infra-red and radio frequency embodiments of the receive circuit, as claimed in claims 9 and 10, respectively, or the specific infra-red and radio frequency embodiments of the transceiver circuit, as claimed in claims 21 and 22, respectively. Because Wallerstein does not teach or suggest all of the elements recited, claims 9-10 and 21-22 are believed allowable over Wallerstein for this additional reason.

Regarding claims 12 and 15, the buffer in each claim, as amended, is configured to store information received from the electronic transaction device. As set forth above, Wallerstein does not disclose receiving information from an electronic transaction device, and therefore does not disclose a buffer configured to store information received from the electronic transaction device. Regarding claims 13, 14, 16, 17, 23, and 24 as amended, the data buffer is configured to purge information received from the electronic transaction device. Once again, Wallerstein does not disclose receiving information from an electronic transaction device, and therefore does not disclose a buffer configured to purge information received from the electronic transaction device. Because Wallerstein does not teach or suggest all of the elements recited, claims 12-17 and 23-24 are believed allowable over Wallerstein for these additional reasons.

Regarding claims 25-28 and 31, Wallerstein does not teach or suggest the method as claimed. Wallerstein discloses a programmable transaction card that enables accessing a selected one of a plurality of different accounts, and includes the ability to emulate a magnetic strip. Wallerstein does not disclose the use of an adapter in conjunction with an electronic transaction device and a point of sale card reader. Accordingly, Wallerstein does not teach or suggest the step of transmitting information corresponding to a selected card from an electronic transaction device to an adapter. The step of transmitting information from an electronic transaction device to an adapter, and having the adapter perform the step of converting information corresponding to a selected card to a format readable by a card reader, is advantageous in that it allows devices such as PDAs and wireless telephones, which typically do not have magnetic stripe emulators, to be used as electronic transaction devices. Because Wallerstein does not teach or suggest all of the steps recited in claim 25, claim 25, and claims 26-28 and 31, which depend from claim 25, are not obvious in view of Wallerstein and are believed allowable.

Claim 38 stands rejected under 35 U.S.C. §103 as unpatentable over Wallerstein in view of Pitroda '038. The examiner's apparent assumption that a conventional smart card receives a receipt is respectfully traversed. Furthermore, Claim 38 is patentable for the same reasons given for Claim 25 above.

Claims 25-31 stand rejected under 35 U.S.C. §103 as being unpatentable over Francini, et al. Francini et al. does not teach or suggest the method as claimed. Francini et al. discloses a card having a magnetic stripe emulator. See Francini et al., Abstract. Francini et al. does not disclose the use of an adapter in conjunction with an electronic transaction device and a point of sale card reader. Accordingly, Francini et al., like Wallerstein, does not teach or suggest the step

of transmitting information corresponding to a selected card from an electronic transaction device to an adapter. Because Francini et al. does not teach or suggest all of the steps recited in claim 25, claim 25, and claims 26-31, which depend from claim 25, are not obvious in view of Francini et al. and are believed allowable.

Regarding the Response to Arguments, paper No. 5, page 10, it is respectfully submitted the examiner has incorrectly stated Applicant's previous remarks. Applicant's previous remarks set forth that: "Wallerstein discloses a programmable transaction card that enables accessing a selected one of a plurality of different accounts, and includes the ability to emulate a magnetic strip. See, Wallerstein, Abstract." This indeed, is one of the distinguishing factors. The adapter of the present invention does not enable selecting or accessing any given account. Rather, that step would be performed on an electronic transaction device, and information corresponding to a selected account would be transferred from the electronic transaction device to the adapter. This allows the adapter to be less complex than a full fledged electronic transaction device and allows the adapter to be used by multiple users. It also allows current handheld devices which do not have card emulation capabilities to be used as electronic transaction devices. Wallerstein, on the other hand, does not adapt an electronic transaction device which lacks card-emulation capability to a conventional card reader, such as a magnetic stripe reader or a smart card reader. Similarly, neither a conventional smart card interface nor Francini disclose a receive circuit for receiving information from an electronic transaction device as disclosed in the application.

It is believed that this reply addresses each and every ground for rejection or objection. If the Examiner finds that there are outstanding issues which may readily be resolved by telephone interview, he is invited to contact the undersigned at the below listed number.

Respectfully submitted,

WELSH & KATZ, LTD.

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